



## Ohio Administrative Code

### Rule 4112-5-07 Discrimination against the disabled in private housing accommodations.

Effective: April 11, 2023

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(A) Discrimination prohibited. No person shall, on the basis of a disability, be subjected to discrimination in housing accommodations as it relates to:

(1) The sale, transfer, assignment, renting, subleasing or financing of such accommodations. In particular, it shall constitute unlawful discrimination in violation of Chapter 4112. of the Revised Code for any person to:

(a) Refuse to sell, rent, transfer, or sublease after making a bona fide offer to a person, because of such person's disability.

(b) Refuse to negotiate for the sale, renting, transfer, subleasing, or financing of housing accommodations because of a person's disability.

(c) Refuse to consider sources of a disabled applicant's income or to subject the applicant's source of income or ability to generate income to automatic discounting in whole or in part because of such applicant's disability.

(d) Segregate the placement of a person with a disability in a unit, floor, building or complex within such housing accommodations, unless such placement is at the request or with the consent of the person with a disability.

(2) Advertising or listing for the sale, transfer, assignment, renting, subleasing, or financing of housing accommodations.

(3) Membership or participation in any organization, service, or facility relating to the selling, transfer, assignment, renting, subleasing, or financing of housing accommodations.

(4) Representations as to the availability of such housing or its availability for inspection.



(5) Representations of the composition of the block, neighborhood or area, in which such housing is located, because of the presence or anticipated presence of persons with a disability.

(6) Any housing accommodations sponsored activities, including social or recreational activities.

(7) Any housing accommodation services, including maintenance and utility services.

(8) Any other term, condition, or privilege in the sale, transfer, assignment, renting, subleasing, or financing of such housing accommodations.

(B) Application inquiries. It shall constitute unlawful housing discrimination for any person to make any written or oral inquiries or record concerning the disability of any applicant or intended occupant involved in the sale, renting, assignment, or subleasing of housing accommodations, unless such inquiries or records are made pursuant to federal contract requirements of a bona fide affirmative action plan. If such records or inquiries are so required, they shall be maintained in such a fashion as to preclude their inadvertent or deliberate use for discriminatory purposes and to avoid possible misinterpretation by applicants of the purpose for which such data will be used.

(C) Animal assistants. Every person with a disability who has an animal assistant or who obtains an animal assistant shall be entitled to keep the animal assistant on the premises purchased, leased, rented, assigned, or subleased by such person with a disability. He or she shall not be required to pay any extra charge for such animal assistant but shall be liable for damage done by the animal assistant to the premises.

(D) Duty to accommodate. Nothing in rule 4112-5-07 shall require any person selling, transferring, assigning, leasing or subleasing housing accommodations to modify such property in any way or provide a higher degree of care for a person with a disability. Nor shall anything in rule 4112-5-07 relieve any person with a disability of any obligation generally imposed on all persons regardless of disability in any lease, agreement, or contract of purchase concerning such housing accommodations, except that a person with a disability shall be permitted, at his or her own expense, to make reasonable modifications of existing premises occupied or to be occupied by such person if modifications are necessary to afford such person full enjoyment of the premises. When the person



with a disability vacates the premises and if it was reasonable for the landlord to have obtained an agreement conditioning permission for the proposed modification upon such an agreement and such an agreement was obtained, the interior modifications shall be removed at the person with a disability's expense and the premises restored to its original condition. Reasonable accommodations in rules, policies, practices, or services shall also be made when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a premises.

(E) Burden of proof. If an applicant, because of disability, is refused housing accommodations or discriminated against in any term, condition, or privilege in the sale, assignment, transfer, renting, subleasing, or financing of housing accommodations, the owner, landlord, proprietor, or agent shall have the burden of establishing the basis for such refusal or discrimination.

(F) Health and safety. It shall constitute a defense to a claim of unlawful housing discrimination that the sale, transfer, assignment, renting, or subleasing of such housing accommodations would, under the circumstances, pose a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. However, defenses raised pursuant to this paragraph will be closely scrutinized. Speculative evidence of hazards to health and safety will not suffice.